

# State Reimbursement for Aggravated Murder Case Costs

State reimbursement of aggravated murder case costs is potentially available to counties, pursuant to RCW 43.330.190. Counties wishing to request reimbursement must send completed Extraordinary Criminal Justice Costs petitions to the Washington State Office of Public Defense (OPD) by December 12, 2005. Supplemental petition information for November and December 2005 expenses can be submitted to OPD by January 11, 2006. OPD will process the petitions in consultation with the Washington Association of Prosecuting Attorneys and the Washington Association of Sheriffs and Police Chiefs, and submit a prioritized list of petitions that are recommended for funding to the Legislature. Copies of these forms can be found at [www.opd.wa.gov](http://www.opd.wa.gov). For additional information contact Kelly Sawka at (360) 586-3164, ext. 101.

**RCW 43.330.190 Reimbursement of extraordinary criminal justice costs.** *Counties may submit a petition for relief to the office of public defense for reimbursement of extraordinary criminal justice costs. Extraordinary criminal justice costs are defined as those associated with investigation, prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication costs of aggravated murder cases.*

*(1) The office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop procedures for processing the petitions, for auditing the veracity of the petitions, and for prioritizing the petitions. Prioritization of the petitions shall be based on, but not limited to, such factors as disproportionate fiscal impact relative to the county budget, efficient use of resources, and whether the costs are extraordinary and could not be reasonably accommodated and anticipated in the normal budget process.*

*(2) Before January 1<sup>st</sup> of each year, the office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that are recommended for funding by the legislature. [1999 c 303 § 1.]*

## Instructions for Completing a Petition

**Preparing the Petition:** Each of the petition items must be completed. The petition, with attached table, declarations, invoices and supporting documents, must be submitted to the Washington State Office of Public Defense, 711 S. Capitol Way, Suite 106, PO Box 40957, Olympia, WA, 98504-0957 by December 12, 2005.

**Petition Format:** Tabs must separate each section of the petition and all pages must be numbered. To obtain a set of pre-printed tabs, please contact Beth Flynn at (360) 586-3164, ext. 100 or [beth.flynn@opd.wa.gov](mailto:beth.flynn@opd.wa.gov). A table of contents must be included. See the attached sample table of contents, which lists what each tab should contain.

**Petition Items 2 and 3:** Self-explanatory.

**Petition Item 4:** If defense counsel was appointed, indicate whether assigned counsel or public defenders were selected. If private counsel was appointed, describe how counsel was obtained.

**Petition Item 5:** Describe whether defense counsel has been paid on an hourly basis, a flat fee basis, or by another method, and indicate the rate paid.

**Petition Item 6:** If the amount of the claimed costs was extraordinary and could not be reasonably anticipated and accommodated within the county budget, explain why. For example, there may have been a lack of history in the county of aggravated murder proceedings, the court proceedings may have been of unusually long duration, there may have been unusually complicated investigations or high travel costs, or

there may have been other reasons why the costs were extraordinary and could not be accommodated. Attach additional pages if necessary.

**Petition Item 7:** Describe methods used by the county to efficiently manage aggravated murder case resources, such as use of staff investigators or interpreters, appointment of Supreme Court Capital Counsel Panel list-qualified attorneys or other methods. Attach additional pages if necessary.

**Petition Item 8:** Enter all costs incurred on the data table (pages 2 and 3) as completely as possible. **The county cannot be reimbursed for expenses not set forth on the table and/or not documented with supporting materials.** Every aggravated murder case that was active during 2005 (investigation through final resolution) may be listed. Only costs incurred in calendar year 2005 should be listed.

**Case Name/Cause Number:** State each defendant's full name, including first and middle names and the Superior Court case number.

**Death Notice Filed:** Indicate "yes" if the prosecuting attorney filed a death penalty notice at any point in the case.

**Prosecuting Attorney Costs:** State the specific amount spent for all prosecutors' time for the case. The amount claimed must be for actual time spent, not a flat rate.

**Prosecution Discovery Costs:** State all prosecution investigation and discovery costs such as costs of depositions, site visits, photographic services, travel, copying, and other costs.

**Sheriff/Police Investigation Costs:** State the amount spent for law-enforcement time in crime investigation, travel and copying costs, crime scene technicians, and supplies necessary for crime scene investigations, investigator supervision costs, and other costs.

**Prosecution Expert Witnesses Costs:** Self-explanatory.

**Defense Attorney Costs:** State the specific amount paid to contracted or assigned counsel, or the actual amount spent for salaried public defender time.

**Defense Investigation Costs:** State all defense investigation costs as well as discovery costs, such as costs of depositions, site visits, photographic services, travel, copying, and other costs.

**Defense Expert Witnesses Costs:** Self-explanatory.

**Jail Costs:** If the defendant was incarcerated, state the costs of housing the defendant.

**Jury Costs:** If a jury was impaneled, state the costs.

**Interpreter Costs:** If interpreter services were provided, state the costs.

**Other Adjudication Costs:** State additional costs, if any. Attach additional pages if necessary.

**Petition Item 9:** Salaried employee costs must be entered on two declarations. The individual completing the petition should fill out the Combined Declaration of Salaried Employee Costs (Form A) based on the supporting declarations (Form B) that have been filled out by the individual departments that paid the employees. Totals should be entered on the data table (pages 2 and 3).

**Petition Item 10:** For court-ordered, contracted and all other services and purchased goods costs incurred in each case, such as time spent by per diem interpreters or court reporters, use non-employee services and goods declaration forms (Forms C through M) to summarize payments made to vendors. Attach supporting invoices and **black out personal identifying information (home address, phone numbers, etc.) and for legal or health care services, delete information regarding the content of the services.** For each case, enter the totals in the appropriate categories on the attached data table (pages 2 and 3).

**Petition Item 11:** In the event that other applications for reimbursement of any portion of these costs are made such as Byrne Grants, federal funding, etc. the county must promptly notify OPD.